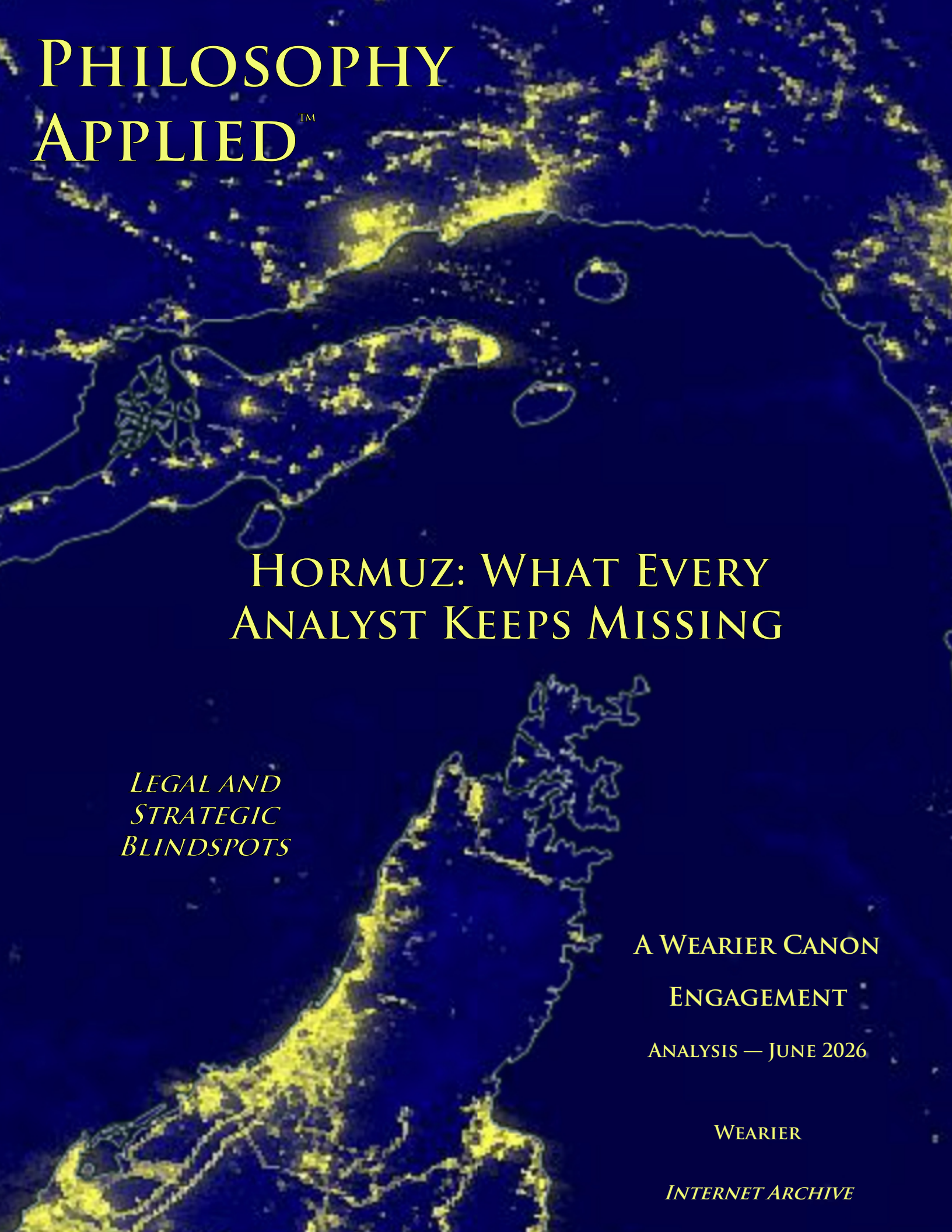

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Hormuz: What Every Analyst Keeps Missing

Legal and Strategic Blindspots

A Wearier Canon Engagement

Analysis — June 2026

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Legal and Strategic Blindspots

A Wearier Canon Analysis — June 2026

Published to the Internet Archive as an independent analysis. The author makes no claim regarding authorship of the underlying International Strait Authority (ISA) proposals. This analysis cites James Kraska, "Legal Vortex in the Strait of Hormuz," Virginia Journal of International Law, Vol. 54:2 (2013), available at SSRN: https://ssrn.com/abstract=2472065; and Jonathan Schroden, "A Strait Comparison: Lessons from the Dardanelles for a Strait of Hormuz Closure," War on the Rocks, June 30, 2025.

Three independent bodies of work engaged the 2026 Hormuz crisis from three distinct analytical registers: 1) James Kraska, writing in 2013, produced the most rigorous legal analysis of the strait's navigational regime available in the scholarly literature; 2) Jonathan Schroden, writing in June 2025, produced the most rigorous operational analysis — drawing on Britain's catastrophic failure at the Dardanelles in 1915 to identify the strategic gaps and pathologies that would govern any Hormuz closure event; 3) The International Strait Authority (ISA) corpus, filed from March 14, 2026 through May 12, 2026, proposed the only permanent governance framework put forward during the crisis itself.

Kraska and Schroden are each rigorous within their frameworks. Each is correct on its own terms. Each addresses a secondary structure while the primary problem persists beneath it. Only the ISA corpus addresses the primary problem directly. The convergence of the first two blindspots — and the fate of the third — is the subject of this analysis.

THE LEGAL REGISTER

Kraska's conclusion was precise: neither the United States nor Iran, as non-parties to UNCLOS, could claim the navigational rights the Convention provides without accepting the obligations it imposes. The central bargain of the 1982 Convention — coastal states accepting transit passage through their straits in exchange for a twelve nautical mile territorial sea — was a package deal explicitly designed to prevent

selective adoption. Both states adopted selectively. Iran claimed the territorial sea while rejecting transit passage. The United States claimed transit passage while declining the treaty that formalized it. Both positions were legally defensible. Neither was legally decisive.

After decades of diplomatic exchanges and two appearances before the International Court of Justice, the applicable navigational regime remained unresolved. The legal vortex Kraska identified was real, structurally inevitable given the parties' positions, and — as the 2026 crisis demonstrated within thirteen years of his publication — entirely beside the point. When the Islamic Revolutionary Guard Corps closed the strait, the question of navigational regime became irrelevant. Legal frameworks govern systems operating below the threshold of direct resource competition. Above that threshold, they describe what should have happened.

THE OPERATIONAL REGISTER

Schroden's analysis is the more uncomfortable document, because its subject is not legal ambiguity but institutional repetition. The British failure at the Dardanelles in 1915 was not a tactical accident. It was the systematic expression of every pathology that governs chokepoint warfare: layered asymmetric defenses underestimated, mine warfare under-resourced and misunderstood, political objectives disconnected from military means, overreach mistaken for strategy, and the momentum of institutional commitment carrying a failed campaign past every rational stopping point.

A century later, the Strait of Hormuz presents the identical architecture. Iran's layered defense — mines as the centerpiece, overlapping coverage from anti-ship missiles, fast attack craft, submarines, and armed drones — replicates the Ottoman system that destroyed the British campaign. The United States Navy's mine countermeasures capability is under-resourced, under-maintained, and designed for threat environments that Iranian closure operations would not provide. Schroden's assessment is direct: if a closure event occurred in the near term, U.S. mine-clearing capabilities would likely prove too little, too late.

The pattern extends beyond capability gaps. Strategic overreach — the belief that dominant conventional power can force outcomes at a chokepoint defended by layered asymmetric systems — is not a failure of individual commanders. It is the consistent behavior of every military and political leadership that has approached the strait across a century of documented precedent. Schroden documents this with

precision. He offers no resolution mechanism, because his framework does not reach the level at which one exists.

THE CONVERGENT BLINDSPOT

Kraska and Schroden approach the same problem from opposite directions and arrive at the same structural limitation. Legal analysis assumes that resolving the navigational regime dispute would stabilize the strait. Operational analysis assumes that adequate military capability and political-military alignment would manage a closure event. Both assumptions address symptoms. Neither asks the prior question: why has no permanent governance architecture ever been built for the only major international waterway without one, despite a century of documented failure and the most concentrated expression of resource dependency on the planet?

The answer is not ignorance. The analyses exist. The pattern is documented. The capability gaps are identified. The legal vortex is named.

The possibility that correct analysis reached decision-makers and was ignored does not diminish the pattern. It completes it. A system that cannot or will not implement correct diagnoses demonstrates the inability of its own institutional structures to override resource competition pressure. The blindspot is not in the analysis. It is in the system's inability to act against its own resource imperatives.

This is the thermodynamic substrate beneath both frameworks — the resource-competition logic that the Wearier Canon's *Pragmatic Thermodynamics* treats as the operating condition of organized systems. States are organized systems that persist by securing access to the resources that sustain them. The Strait of Hormuz is the chokepoint through which twenty percent of the world's daily oil supply must pass — the most concentrated expression of resource control on the planet. Systems operating under that level of resource competition pressure do not build permanent governance structures that distribute control multilaterally. They manage, escort, negotiate, litigate, and when necessary fight — because each of those actions preserves the contest, and the contest is the condition under which resource control remains available as unilateral leverage.

Hubris is not a character flaw distributed unevenly among commanders and politicians. It is the predictable behavior of organized systems that cannot act against their own resource imperatives even when their own analysis identifies the cost of not

doing so. Schroden's century of repeated errors is not stupidity. It is resource competition consuming its own corrective mechanisms.

THE ONE FRAMEWORK THAT ADDRESSES THE PRIMARY PROBLEM

The International Strait Authority proposal, filed March 14, 2026, did not resolve the UNCLOS dispute. It did not address the mine warfare capability gap. It accepted the pattern as given — the legal vortex, the operational deficit repetition, the institutional inability to act against resource imperatives — and proposed an architecture that changed the resource calculus at the level where the problem actually operates.

The ISA's governing logic: make the cost of challenging the strait's permanent administration higher than the cost of accepting it, for every actor simultaneously. Not by resolving the legal question. Not by building superior military capability. By converting unilateral resource control into a multilateral utility in which every dependent actor — energy producers, energy consumers, transit states, and crucially Iran itself — held a direct financial stake in the strait's continued function. The instrument that closed the strait becomes, under the ISA framework, the instrument that funds the governance structure that prevents closure. The resource imperative is not overcome. It is redirected.

That is the distinction between managing a symptom and eliminating the condition that produces it. Kraska's legal analysis managed the symptom of navigational ambiguity. Schroden's operational analysis managed the symptom of military unpreparedness. The ISA addressed the condition: the absence of a governance structure that changes what resource competition produces at this chokepoint.

THE RECORD

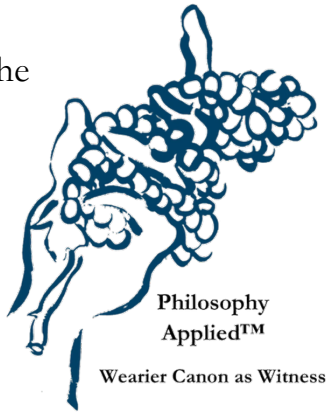
The ISA proposal was filed before any competing framework existed in public discussion. Four supplemental updates tracked the crisis through Iranian resilience, the USS Boxer deployment, the ceasefire interval, and the diplomatic stalemate. The May 12 update identified the precise mechanism of the deadlock: both Iran's toll booth proposal and the American position had already conceded that the strait requires a governance instrument. The disagreement was not conceptual. It was architectural. A negotiation that had already agreed on the instrument had agreed on more than it knew.

The proposal was transmitted to the intended audience. It was not adopted. The ceasefire interval — identified in the third update as the critical window — closed without the settlement architecture being introduced before the inadequate frameworks hardened into negotiating positions.

The stalemate that followed was not an obstacle to the correct solution. It was its most precise argument. And the settlement that ends the crisis, whatever its terms, leaves the resource calculus unchanged. The next closure event will arrive when the calculus next reverses — under conditions the settlement does not control, producing the same cascade of legal analysis, operational assessment, and institutional inability to act that this crisis produced, and the one before it, and the one before that.

Every analyst keeps missing the same thing. The problem is not the strait. The problem is the absence of the instrument that makes the strait's closure structurally irrational for every actor simultaneously. That instrument was designed. It was filed. It is available.

What it has not found is a system capable of adopting it.



ISA Corpus timestamps: Original proposal March 14, 2026 · First update March 21, 2026 · Second update March 27, 2026 · Third update April 8, 2026 · Fourth update May 12, 2026. All documents publicly available at the Internet Archive: *https://archive.org/details/Proposal_Permanent_Governance_Strait-of-Hormuz*

Kraska, James. "Legal Vortex in the Strait of Hormuz." Virginia Journal of International Law, Vol. 54:2 (2013). Available at SSRN: https://ssrn.com/abstract=2472065

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